

## **REMARKS**

Claims 1, 13, 23, 25, 37 and 46 have been amended. Claims 1-49 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 101 Rejection:**

The Office Action rejected claims 13, 19 and 37 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection. However, in order to expedite prosecution, claims 13, 19 and 37 have been amended. Applicant respectfully requests removal of the § 101 rejection.

### **Section 102(b) Rejection:**

The Office Action rejected claims 1-11, 13-17, 19-21, 23-35, 37-44 and 46-49 under 35 U.S.C. § 102(b) as being anticipated by Bowman-Amuah (U.S. Patent 6,332,163) (hereinafter “Bowman”). Applicant respectfully traverses this rejection for at least the following reasons.

Regarding independent claim 1, Bowman does *not* teach a client device comprising a thin client configured to interact with the application via the network to remotely perform one or more functions of the application; wherein the system is configured to download a version of the application to the client device via the network, wherein the downloaded version of the application is configured to provide at least a portion of application logic of the application to the thin client. Claim 1 requires that the thin client use the application remotely, and also requires that a version of the application is downloaded to the client device via the network so that at least a portion of application logic of the application is provided to the thin client for use after the thin client has disconnected from the application on the server. This operation is clearly not described in Bowman. The Examiner first refers to Fig. 17 of Bowman. As described in Bowman

at col. 70, lines 32-40, Fig. 17 merely illustrates a messaging model between a client and a server. Applicant fails to see the relevance of Fig. 17 to what is recited in claim 1. The Examiner next refers to col. 107, lines 24-38, which describes a web browser downloading the latest version of an ActiveX control. Applicant note that an ActiveX control as describes in this portion of Bowman is a component that is run locally on the client. Bowman's active ActiveX control is not an application on a server with which a thin client interacts to remotely perform one or more functions of the application. Also, the description at col. 107, lines 24-38 regarding an ActiveX control is completely unrelated to the messaging model of Bowman's Fig. 17.

The Examiner also refers to Bowman at col. 54, lines 22-24. However, this portion of Bowman merely refers to products such as Lotus Notes and Microsoft Exchange that allow remote users to replicate documents so that users can work disconnected from the network. Applicants note that Lotus Notes and Microsoft Exchange are by definition "fat" clients, not "thin" clients. Moreover, this teaching in Bowman refers to replicating a document between a server and a client. This has absolutely nothing to do with a thin client interacting with an application via a network to remotely perform one or more functions of the application. Nor does the document replication of Bowman have anything to do with downloading a version of the application to the client device via the network. Also, the description at col. 54, lines 22-24 regarding document replication is completely unrelated to the messaging model of Bowman's Fig. 17, and is completely unrelated to the description at col. 107, lines 24-38 regarding an ActiveX control.

The Examiner also refers to Bowman at col. 26, lines 55-63. However, this portion of Bowman merely refers to thin-client devices such as Web TV that download and run applications from a central server. Downloading and running applications from a central server is not the same as a thin client interacting with an application via a network to remotely perform one or more functions of the application. Nor does col. 26, lines 55-63 of Bowman say anything about a portion of application logic of the application being

provided to the thin client for use after the thin client has disconnected from the application on the server.

Also, the description at 26, lines 55-63 is completely unrelated to the messaging model of Bowman's Fig. 17, and is completely unrelated to the ActiveX control description at col. 107, lines 24-38, and is completely unrelated to the document replication description at col. 54, lines 22-24. The Examiner has referred to various disparate portions of Bowman's lengthy disclosure. The different and disparate teachings of Bowman cited by the Examiner are not described as working together in a way that performs the identical invention as recited in claim 1. Cobbling together such disparate teachings in an attempt to reconstruct Applicants' claim is improper for a rejection based on the anticipation standard. Applicants remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The **identical invention must** be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). For at least the reasons stated above, Bowman clearly cannot be said to anticipate Applicants' claim 1.

Similar argument apply in regard to independent claims 13, 19, 23, 25, 37, and 46.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

#### **Section 103(a) Rejection:**

The Office Action rejected claims 12, 22, 36 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Bowman in view of Smith et al. (U.S. Publication 2002-

0065899) (hereinafter “Smith”). Applicant respectfully traverses this rejection for at least the reasons presented above in regard to Bowman.

For at least the reasons above, the rejections of claims 12, 22, 36 and 45 under 35 U.S.C. § 103(a) are clearly not supported by the cited art, and removal thereof is respectfully requested.

## CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-35800/RCK.

Respectfully submitted,

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